

AN ACT Relating to insurance producers and title insurance agents; amending RCW 48.17.010, RCW 48.17.060, RCW 48.17.063, RCW 48.17.065, RCW 48.17.067, RCW 48.17.090, RCW 48.17.100, RCW 48.17.110, RCW 48.17.125, RCW 48.17.150, RCW 48.17.160, RCW 48.17.170, RCW 48.17.180, RCW 48.17.190, RCW 48.17.230, RCW 48.17.250, RCW 48.17.270, RCW 48.17.380, RCW 48.17.390, RCW 48.17.410, RCW 48.17.420, RCW 48.17.450, RCW 48.17.460, RCW 48.17.470, RCW 48.17.475, RCW 48.17.480, RCW 48.17.490, RCW 48.17.510, RCW 48.17.530, RCW 48.17.565, RCW 48.17.591, RCW 48.17.600 and RCW 42.56.400 ; adding new sections to chapter 48.17 RCW; repealing RCW 48.05.310, RCW 48.17.020, RCW 48.17.030, RCW 48.17.040, RCW 48.17.050, RCW 48.17.055, RCW 48.17.070, RCW 48.17.120, RCW 48.17.130, RCW 48.17.200, RCW 48.17.210, RCW 48.17.240, RCW 48.17.260, RCW 48.17.280, RCW 48.17.290, RCW 48.17.300, RCW 48.17.310, RCW 48.17.320, RCW 48.17.330, RCW 48.17.340, RCW 48.17.500, and RCW 48.17.520; prescribing penalties; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec. 1.** RCW 48.17.010 and 1985 c 264 s 7 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

**Comment:** MA § 2.

(1) ~~("Agent" means any person appointed by an insurer to solicit applications for insurance on its behalf. If authorized so to do, an agent may effectuate insurance contracts. An Agent may collect premiums on insurance so applied for or effectuated.)~~ "Adjuster" means any person who, for compensation as an independent contractor or as an employee of an independent contractor, or for fee or commission, investigates or reports to the adjuster's principal relative to claims arising under insurance contracts, on behalf solely of either the insurer or the insured. An attorney at law who adjusts insurance losses from time to time incidental to the practice of his or her profession, or an adjuster of marine losses, or a salaried employee of an insurer or of a managing general agent, is not deemed to be an 'adjuster' for the purpose of this chapter.

**Comment:** RCW 48.17.050(1).

(a) "Independent adjuster" means an adjuster representing the interests of the insurer.

**Comment:** RCW 48.17.050(2).

(b) "Public adjuster" means an adjuster employed by and representing solely the financial interests of the insured named in the policy.

**Comment:** RCW 48.17.050(3).

(2) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

(3) "Home state" means the District of Columbia and any state or territory of the United States in which an insurance producer maintains the insurance producer's principal place of residence or principal place of business and is licensed to act as an insurance producer.

(4) "Insurance" means any of the lines of authority in chapter 48.11 RCW or in RCW 48.14.050.

(5) "Insurance education provider" means any insurer, health care service contractor, health maintenance organization, professional association, educational institution created by Washington statutes, or vocational school licensed under Title 28C RCW or independent

**Comment:** RCW 48.17.055

contractor to which the commissioner has granted authority to conduct and certify completion of a course satisfying the insurance education requirements of RCW 48.17.150.

(6) "Insurance producer" means a person required to be licensed under the laws of this state to sell, solicit or negotiate insurance. Insurance producer does not include title insurance agent as defined in subsection 19 of this section.

(7) "Insurer" has the same meaning as in RCW 48.01.050.

(8) "License" means a document issued by the commissioner authorizing a person to act as an insurance producer for the lines of authority specified in the document. The license itself does not create any authority, actual, apparent or inherent, in the holder to represent or commit an insurer.

(10) "Limited line credit insurance" includes credit life, credit disability, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, automobile dealer gap insurance, and any other form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing that credit obligation that the insurance commissioner determines should be designated a form of limited line credit insurance.

(11) "Limited line insurance producer" means a person who sells, solicits or negotiates one or more forms of limited line insurance coverage.

(12) "NAIC" means National Association of Insurance Commissioners.

(13) "Negotiate" means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers.

(14) "Person" means an individual or a business entity.

(15) "Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurance company.

(16) "Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company.

(17) "Specialty line insurance producer" means a person who sells, solicits, or negotiates one or more forms of specialty line insurance coverage.

(18) "Terminate" means the cancellation of the relationship between an insurance producer and the insurer or the termination of a producer's authority to transact insurance.

(19) "Title insurance agent" means a business entity licensed under the laws of this state and appointed by an authorized title insurance company to sell, solicit or negotiate insurance on behalf of the title insurance company.

(20) "Uniform Business Entity Application" means the current version of the NAIC Uniform Business Entity Application for resident and nonresident business entities.

(21) "Uniform Application" means the current version of the NAIC Uniform Application for resident and nonresident producer licensing.

Comment: New.

**Sec. 2.** RCW 48.17.060 and 2003 c 250 s 4 are each amended to read as follows:

~~((1) A person may not act as or hold himself or herself out to be an agent, broker, solicitor, insurance producer, title insurance agent or adjuster in this state unless licensed by the commissioner.~~

~~(2) An agent, solicitor, or broker may person shall not sell, solicit, negotiate or take applications for, procure, or place for others any kind of insurance for which he or she is not then licensed.~~

~~(3) This section does not apply with respect to any person securing and forwarding information required for the purposes of group credit life and credit disability insurance or credit casualty insurance against loss or damage resulting from failure of debtors to pay their obligations in connection with an extension of credit and such other credit life and disability insurance or credit casualty insurance against loss or damage resulting from failure of debtors to pay their obligations as the commissioner shall determine, and where no commission or other compensation is payable on account of the securing and forwarding of such information. However, the reimbursement of a creditor's actual expenses for securing and forwarding information required for the purposes of such group insurance will not be considered a commission or other compensation if such reimbursement does not exceed three dollars per certificate issued, or in the case of a monthly premium plan extending beyond twelve months, not to exceed three dollars per loan transaction revision per year.)~~

A person shall not sell, solicit, or negotiate insurance in this state for any line or lines of insurance unless the person is licensed for that line of authority in accordance with this chapter.

Comment: MA § 3.

NEW SECTION. Sec. 3. A new section is added to chapter 48.17 RCW to read as follows:

(1) Nothing in this act shall be construed to require an insurer to obtain an insurance producer license. In this section, the term "insurer" does not include an insurer's officers, directors, employees, subsidiaries or affiliates.

Comment: MA § 4.

(2) A license as an insurance producer shall not be required of the following:

(a) An officer, director or employee of an insurer or of an insurance producer, provided that the officer, director or employee does not receive any commission on policies written or sold to insure risks residing, located or to be performed in this state and:

(i) The officer, director or employee's activities are executive, administrative, managerial, clerical or a combination of these, and are only indirectly related to the sale, solicitation or negotiation of insurance; or

(ii) The officer, director or employee's function relates to underwriting, loss control, inspection or the processing, adjusting, investigating or settling of a claim on a contract of insurance; or

(iii) The officer, director or employee is acting in the capacity of a special agent or agency supervisor assisting insurance producers where the person's activities are limited to providing technical advice and assistance to licensed insurance producers and do not include the sale, solicitation or negotiation of insurance;

(b) A person who secures and furnishes information for the purpose of group life insurance, group property and casualty insurance, group annuities, group or blanket accident and health insurance; or for the purpose of enrolling individuals under plans; issuing certificates under plans or otherwise assisting in administering plans; or performs administrative services related to mass marketed property and casualty insurance; where no commission is paid to the person for the service.

(c) An employer or association or its officers, directors, employees, or the trustees of an employee trust plan, to the extent that the employers, officers, employees, director or trustees are

engaged in the administration or operation of a program of employee benefits for the employer's or association's own employees or the employees of its subsidiaries or affiliates, which program involves the use of insurance issued by an insurer, as long as the employers, associations, officers, directors, employees or trustees are not in any manner compensated, directly or indirectly, by the company issuing the contracts;

(d) Employees of insurers or organizations employed by insurers who are engaging in the inspection, rating or classification of risks, or in the supervision of the training of insurance producers and who are not individually engaged in the sale, solicitation or negotiation of insurance.

(e) A person whose activities in this state are limited to advertising without the intent to solicit insurance in this state through communication in printed publications or other forms of electronic mass media whose distribution is not limited to residents of the state, provided that the person does not sell, solicit or negotiate insurance that would insure risks residing, located or to be performed in this state;

(f) A person who is not a resident of this state who sells, solicits or negotiates a contract of insurance for commercial property and casualty risks to an insured with risks located in more than one state insured under that contract, provided that that person is otherwise licensed as an insurance producer to sell, solicit or negotiate that insurance in the state where the insured maintains its principal place of business and the contract of insurance insures risks located in that state;

(g) A salaried full-time employee who counsels or advises his or her employer relative to the insurance interests of the employer or of the subsidiaries or business affiliates of the employer provided that the employee does not sell or solicit insurance or receive a commission; or

(h) Any person securing and forwarding information required for the purposes of group credit life and credit disability insurance or credit casualty insurance against loss or damage resulting from failure of debtors to pay their obligations in connection with an extension of credit and such other credit life and disability insurance or credit casualty insurance against loss or damage resulting from failure of debtors to pay their obligations as the commissioner shall determine, and where no commission or other compensation is payable on account of the securing and forwarding of such information. However, the reimbursement of a creditor's actual expenses for securing and forwarding information required for the purposes of such group insurance will not be considered a commission or other compensation if such reimbursement does not exceed three dollars per certificate issued, or in the case of a monthly premium plan extending beyond twelve months, not to exceed three dollars per loan transaction revision per year.

Comment: RCW 48.17.060(3).

**Sec. 4.** RCW 48.17.063 and 2003 c 250 s 5 are each amended to read as follows:

(1) ~~((As used in this section, "person" has the same meaning as in RCW 48.01.070.~~

~~((2)))~~ For the purpose of this section, an act is committed in this state if it is committed, in whole or in part, in the state of Washington, or affects persons or property within the state and relates to or involves an insurance contract, health care services contract, or health maintenance agreement.

~~((3)))~~ (2) Any person who knowingly violates RCW 48.17.060~~((4)))~~ is guilty of a class B felony punishable under chapter 9A.20 RCW.

~~((4)) Any person who knowingly violates RCW 48.17.060(2) is guilty of a class B felony punishable under chapter 9A.20 RCW.~~

~~(5))~~ (3) Any criminal penalty imposed under this section is in addition to, and not in lieu of, any other civil or administrative penalty or sanction otherwise authorized under state law.

~~((6))~~ (4)(a) If the commissioner has cause to believe that any person has violated the provisions of RCW 48.17.060 ~~((1) or (2))~~, the commissioner may:

(i) Issue and enforce a cease and desist order in accordance with the provisions of RCW 48.02.080;

(ii) Suspend or revoke a license; and/or

(iii) Assess a civil penalty of not more than twenty-five thousand dollars for each violation, after providing notice and an opportunity for a hearing in accordance with chapters 34.05 and 48.04 RCW.

(b) Upon failure to pay a civil penalty when due, the attorney general may bring a civil action on behalf of the commissioner to recover the unpaid penalty. Any amounts collected by the commissioner must be paid to the state treasurer for the account of the general fund.

**Sec. 5.** RCW 48.17.065 and 1983 c 202 s 7 are each amended to read as follows:

The provisions of this chapter shall apply to ~~((agents of))~~ insurance producers appointed by either health care service contractors ~~((and))~~ or health maintenance organizations, or both.

**Sec. 6.** RCW 48.17.067 and 2003 c 250 s 6 are each amended to read as follows:

Any ~~((solicitor, agent, or broker))~~ insurance producer or title insurance agent soliciting, negotiating, or procuring an application for insurance or health care services in this state must make a good faith effort to determine whether the entity that is issuing the coverage is:

(1) Authorized to transact insurance or health coverage in this state; or

(2) Conducting business through a surplus lines broker licensed under chapter 48.15 RCW.

**Sec. 7.** RCW 48.17.090 and 2002 c 227 s 2 are each amended to read as follows:

(1) ~~((Application for a license to be an agent, broker, solicitor, or adjuster shall be made to the commissioner upon forms furnished by the commissioner. As a part of or in connection with any such application, the applicant shall furnish information concerning his or her identity, including fingerprints for submission to the Washington state patrol, the federal bureau of investigation, and any governmental agency or entity authorized to receive this information for a state and national criminal history background check, personal history, experience, business record, purposes, and other pertinent facts, as the commissioner may reasonably require.~~

(2) ~~Persons resident in the United States but not in Washington may apply for such a license on a form prepared by the national association of insurance commissioners or others, if those forms are approved by the commissioner by rule. An applicant shall also furnish any other information required to be submitted but not provided for in that form.~~

(3) ~~Any person willfully misrepresenting any fact required to be disclosed in any such application shall be liable to penalties as provided by this code.~~

(4) ~~If in the process of verifying fingerprints under subsection (1) of this section, business records, or other information the commissioner's office incurs fees or charges from another governmental agency or from a business firm, the amount of such fees or charges shall be paid to the commissioner's office by the applicant.)~~ A person applying for a resident insurance producer

Comment: MA § 6.

license shall make application to the commissioner on the Uniform Application and declare under penalty of refusal, suspension or revocation of the license that the statements made in the application are true, correct and complete to the best of the individual's knowledge and belief. As a part of or in connection with any such application, the applicant shall furnish information concerning the applicant's identity, including fingerprints for submission to the Washington state patrol, the federal bureau of investigation, and any governmental agency or entity authorized to receive this information for a state and national criminal history background check, personal history, experience, business record, purposes, and other pertinent facts, as the commissioner may reasonably require. Before approving the application, the commissioner shall find that the individual:

**Comment:** RCW 48.17.090(1).

- (a) Is at least eighteen (18) years of age;
- (b) Has not committed any act that is a ground for denial, suspension or revocation set forth in RCW 48.17.530;
- (c) Has completed a preclicensing course of study for the lines of authority for which the person has applied.
- (d) Has paid the fees set forth in RCW 48.14.010; and
- (e) Has successfully passed the examinations for the lines of authority for which the person has applied.

(2) A business entity acting as an insurance producer is required to obtain an insurance producer license. Application shall be made using the Uniform Business Entity Application. Before approving the application, the commissioner shall find that:

- (a) The business entity has paid the fees set forth in RCW 48.14.010; and
- (b) The business entity has designated a licensed producer responsible for the business entity's compliance with the insurance laws, rules and regulations of this state.

(3) A business entity acting as a title insurance agent is required to obtain a title insurance agent license. Application shall be made to the commissioner on the Uniform Business Entity Application and the individual signing the application shall declare under penalty of refusal, suspension or revocation of the license that the statements made in the application are true, correct and complete to the best of individual's knowledge and belief. Before approving the application, the commissioner shall find that the business entity:

- (a) Has paid the fees set forth in RCW 48.14.010;
- (b) Maintains a lawfully established place of business in this state or holds a corresponding license issued by the state of its principle place of business and has complied with the laws of this state governing the admission of foreign corporations;
- (c) Is empowered to be a title agent under a members' agreement, if a limited liability company, or by its articles of incorporation;
- (d) Is appointed as an agent by one or more authorized title insurance companies; and
- (e) Has complied with RCW 48.29.155 and RCW 48.29.160.

(4) The commissioner may require any documents reasonably necessary to verify the information contained in an application.

(5) Each insurer that sells, solicits or negotiates any form of limited line credit insurance shall provide to each individual whose duties will include selling, soliciting or negotiating limited line credit insurance a program of instruction that is approved by the commissioner.

**Sec. 8.** RCW 48.17.100 and 1947 c 79 s .17.10 are each amended to read as follows:



(1) The filing of personal data by an individual in connection with one application for an ~~((agent's))~~ insurance producer's license shall be sufficient, regardless of the number of insurers to be represented by the ~~((agent))~~ insurance producer or the number of subsequent applications by the same applicant.

(2) The commissioner may, for ~~((his))~~ informational purposes, from time to time require any licensed ~~((agent, or solicitor, or broker,))~~ insurance producer, title insurance agent, or adjuster, to ~~((supply him with))~~ produce the information called for in an application for license.

**Sec. 9.** RCW 48.17.110 and 1990 1<sup>st</sup> ex.s. c 3 s 2 are each amended to read as follows:

~~(1) ((Each applicant for license as an agent, broker, solicitor, or adjuster shall, prior to the issuance of any such license, personally take and pass to the satisfaction of the examining authority, an examination given as a test of that person's qualifications and competence, but this requirement shall not apply to:~~

~~(a) Applicants for limited licenses under RCW 48.17.190, at the discretion of the commissioner.~~

~~(b) Applicants who within the two year period next preceding date of application have been licensed as a resident in this state under a license requiring qualifications similar to qualifications required by the license applied for or who have successfully completed a course of study recognized as a mark of distinction by the insurance industry and who are deemed by the commissioner to be fully qualified and competent.~~

~~(c) Applicants for license as a nonresident agent or as a nonresident broker or as a nonresident adjuster who are duly licensed in their state of residence and who are deemed by the commissioner to be fully qualified and competent for a similar license in this state.~~

~~(d) Applicants for an agent's or solicitor's license covering the same kinds of insurance as an agent's or solicitor's license then held by them.~~

~~(e) Applicants for an adjuster's license who for a period of one year, a portion of which was in the year next preceding the date of application, have been a full time salaried employee of an insurer or of a general agent to adjust, investigate, or report claims arising under insurance contracts.~~

~~(2) Any person licensed as an insurance broker by this state prior to June 8, 1967, who is otherwise qualified to be a licensed insurance broker, shall be entitled to renew that person's broker's license by payment of the applicable fee for such of the broker's licenses authorized by RCW 48.17.240, as that person shall elect, without taking any additional examination, except as provided in subsection (3).~~

~~(3) The commissioner may at any time require any licensed agent, broker, solicitor, or adjuster to take and successfully pass an examination testing the licensee's competence and qualifications as a condition to the continuance or renewal of a license, if the licensee has been guilty of violation of this code, or has so conducted affairs under an insurance license as to cause the commissioner reasonably to desire further evidence of the licensee's qualifications.))~~

((1) A resident individual applying for an insurance producer or adjuster license shall pass a written examination unless exempt under section 15 of this act or under this section. The examination shall test the knowledge of the individual concerning the lines of authority for which application is made, the duties and responsibilities of an insurance producer or adjuster and the insurance laws and regulations of this state. Examinations required by this section shall be developed and conducted under rules and regulations prescribed by the commissioner. [The commissioner shall

Comment: MA § 5.

Comment: RCW 48.17.120(3).

prepare, or approve, and make available a manual specifying in general terms the subjects which may be covered in any examination for a particular license.

(2) The following are exempt from the examination requirement:

(a) Applicants for licenses under RCW 48.17.170(1)(h) and (1)(i), at the discretion of the commissioner.

(b) Applicants who within the two year period next preceding date of application have been licensed as a resident in this state under a license requiring qualifications similar to qualifications required by the license applied for or who have successfully completed a course of study recognized as a mark of distinction by the insurance industry and who are deemed by the commissioner to be fully qualified and competent.

(c) Applicants for an adjuster's license who for a period of one year, a portion of which was in the year next preceding the date of application, have been a full time salaried employee of an insurer or of a managing general agent to adjust, investigate, or report claims arising under insurance contracts.

(d) Examination as to ocean marine and related coverages may be waived by the commissioner as to any applicant deemed by the commissioner to be qualified by past experience to deal in such insurances.

Comment: RCW 48.17.120(2).

(3) The commissioner may make arrangements, including contracting with an outside testing service, for administering examinations and collecting the nonrefundable fee set forth in RCW 48.14.010.

Comment: RCW 48.17.130(4).

(4) Each individual applying for an examination shall remit a nonrefundable fee as prescribed by the commissioner as set forth in RCW 48.14.010.

(5) An individual who fails to appear for the examination as scheduled or fails to pass the examination, shall reapply for an examination and remit all required fees and forms before being rescheduled for another examination.

(6) The commissioner may at any time require any licensed insurance producer or adjuster to take and successfully pass an examination testing the licensee's competence and qualifications as a condition to the continuance or renewal of a license, if the licensee has been guilty of violation of Title 48 RCW, or has so conducted affairs under an insurance license as to cause the commissioner reasonably to desire further evidence of the licensee's qualifications.

Comment: RCW 48.17.110(3).

**Sec. 10.** RCW 48.17.125 and 1989 c 323 s 1 are each amended to read as follows:

It is unlawful for any unauthorized person to remove, reproduce, duplicate, or distribute in any form, any question(s) used by the state of Washington to determine the qualifications and competence of insurance ~~((agents, brokers, solicitors,))~~ producers or adjusters required by Title 48 RCW to be licensed. This section shall not prohibit an insurance education provider from creating and using sample test questions in courses approved pursuant to RCW 48.17.150.

Any person violating this section shall be subject to penalties as provided by RCW 48.01.080, 48.17.530, and 48.17.560.

**Sec. 11.** RCW 48.17.150 and 2005 c 223 s 7 are each amended to read as follows:

(1) ~~((To qualify for an agent's or broker's insurance producer's license, an applicant must otherwise comply with this code and must:~~

~~(a) Be at least eighteen years of age, if an individual;~~



~~(b) Be a bona fide resident of and actually reside in this state, or if a corporation, be other than an insurer and maintain a lawfully established place of business in this state, except as provided in RCW 48.17.330;~~

~~(c) Be empowered to be an agent or broker insurance producer under its members' agreement, if a firm, or by its articles of incorporation, if a corporation;~~

~~(d) Complete the minimum educational requirements for the issuance of an agent's insurance producer's license for the kinds of insurance specified in RCW 48.17.210 as may be required by regulation issued by the commissioner;~~

~~(e) Successfully pass any examination as required under RCW 48.17.110;~~

~~(f) Be a trustworthy person;~~

~~(g)(i) If for an agent's license, be appointed as its agent by one or more authorized insurers, subject to issuance of the license;~~

~~(ii) The commissioner may by regulation establish requirements, including notification formats, in addition to or in lieu of the requirements of (g)(i) of this subsection to allow an agent to act as a representative of and place insurance with an insurer without first notifying the commissioner of the appointment for a period of time up to but not exceeding thirty days from the date the first insurance application is executed by the agent; and~~

~~(h) If for broker's license, have had at least two years experience either as an agent, solicitor, adjuster, general agent, broker, or as an employee of insurers or representatives of insurers, and special education or training of sufficient duration and extent reasonably to satisfy the commissioner that the applicant possesses the competence necessary to fulfill the responsibilities of broker.~~

~~(2) The commissioner shall by regulation establish minimum continuing education requirements for the renewal or reissuance of a license to an agent or a broker insurance producer.~~

~~(a)) The commissioner shall require that continuing education courses will be made available on a statewide basis in order to ensure that persons residing in all geographical areas of this state will have a reasonable opportunity to attend such courses.~~

~~((b)) (2) The continuing education requirements must be appropriate to the license for the kinds of insurance specified in RCW ((48.17.210)) 48.17.170.~~

~~((c)) (3) The continuing education requirements may be waived by the commissioner for good cause shown.~~

~~((3) If the commissioner finds that the applicant is qualified and that the license fee has been paid, the license shall be issued. Otherwise, the commissioner shall refuse to issue the license.))~~

**Sec. 12.** RCW 48.17.160 and 1994 c 131 s 5 are each amended to read as follows:

~~((1) Each insurer on appointing an agent in this state shall file written notice thereof with the commissioner on forms as prescribed and furnished by the commissioner, and shall pay the filing fee therefor as provided in RCW 48.14.010. The commissioner shall return the appointment of agent form to the insurer for distribution to the agent. The commissioner may adopt regulations establishing alternative appointment procedures for individuals within licensed firms, corporations, or sole proprietorships who are empowered to exercise the authority conferred by the firm, corporate, or sole proprietorship license.~~

~~(2) Each appointment shall be effective until the agent's license expires or is revoked, the appointment has expired, or written notice of termination of the appointment is filed with the commissioner, whichever occurs first.~~

~~(3) When the appointment is revoked by the insurer, written notice of such revocation shall be given to the agent and a copy of the notice of revocation shall be mailed to the commissioner.~~

~~(4) Revocation of an appointment by the insurer shall be deemed to be effective as of the date designated in the notice as being the effective date if the notice is actually received by the agent prior to such designated date; otherwise, as of the earlier of the following dates:~~

~~(a) The date such notice of revocation was received by the agent.~~

~~(b) The date such notice, if mailed to the agent at his last address of record with the insurer, in due course should have been received by the agent.~~

~~(5) Appointments expire if not timely renewed. Each insurer shall pay the renewal fee set forth for each agent holding an appointment on the renewal date assigned the agents of the insurer by the commissioner. The commissioner, by rule, shall determine renewal dates. If a staggered system is used, fees shall be prorated in the conversion to a staggered system-))~~

(1) An insurance producer or title insurance agent shall not act as an agent of an insurer unless the insurance producer or title insurance agent becomes an appointed agent of that insurer. An insurance producer who is not acting as an agent of an insurer is not required to become appointed.

Comment: MA § 14.

(2) To appoint a producer or title insurance agent as its agent, the appointing insurer shall file, in a format approved by the insurance commissioner, a notice of appointment within fifteen days from the date the agency contract is executed or the first insurance application is submitted. An insurer may also elect to appoint a producer or title insurance agent to all or some insurers within the insurer's holding company system or group by the filing of a single appointment request.

(3) Upon receipt of the notice of appointment, the insurance commissioner shall verify within a reasonable time not to exceed thirty days that the insurance producer or title insurance agent is eligible for appointment. If the insurance producer or title insurance agent is determined to be ineligible for appointment, the insurance commissioner shall notify the insurer within five days of its determination.

(4) An insurer shall pay an appointment fee, in the amount and method of payment set forth in RCW 48.14.010, for each insurance producer or title insurance agent appointed by the insurer.

(5) An appointment shall be effective until terminated by the insurance company, insurance producer, or title insurance agent and notice has been given to the commissioner as required by section 34 of this act.

Comment: New.

**Sec. 13.** RCW 48.17.170 and 1979 ex.s. c 269 s 3 are each amended to read as follows:

~~((Agents', solicitors', adjusters' and brokers' licenses shall be in the form and contain the essential information prescribed by the commissioner.))~~

(1) Unless denied licensure under RCW 48.17.530, persons who have met the requirements of RCW 48.17.090 and 48.17.110 shall be issued an insurance producer license. An insurance producer may receive qualification for a license in one or more of the following lines of authority:

Comment: MA § 7.

(a) Life-insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income.

**Comment:** See RCW 48.17.210(3).

(b) Accident and disability or sickness-insurance coverage for sickness, bodily injury or accidental death and may include benefits for disability income.

**Comment:** See RCW 48.17.210(2).

(c) Property-insurance coverage for the direct or consequential loss or damage to property of every kind.

**Comment:** See RCW 48.17.210(5).

(d) Casualty-insurance coverage against legal liability, including that for death, injury or disability or damage to real or personal property.

**Comment:** See RCW 48.17.210(1).

(e) Variable life and variable annuity products-insurance coverage provided under variable life insurance contracts, variable annuities or any other life insurance or annuity product that reflects the investment experience of a separate account.

(f) Personal lines – property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes.

(g) Marine and transportation.

**Comment:** RCW 48.17.210(4).

(h) Limited line insurance:

(i) Limited line credit insurance.

(ii) Special or unique policies of insurance covering goods sold or leased from a primary business or activity other than the transaction of insurance or covering collateral securing loans from a primary business or activity other than the transaction of insurance if, in the commissioner's discretion, such limited license would safeguard and promote the public interest.

**Comment:** RCW 48.17.190(3).

(iii) Vehicle.

**Comment:** RCW 48.17.210(7).

(iv) Surety.

**Comment:** RCW 48.17.210(6).

(v) Transportation ticket policies of disability insurance or baggage insurance on personal effects where sold with transportation tickets of a common carrier by persons who act as insurance producers only as to such policies.

**Comment:** RCW 48.17.190(1).

(i) Specialty line insurance:

(i) Communications equipment or services.

**Comment:** Chapt. 48.120 RCW.

(ii) Rental car.

**Comment:** Chapt. 48.115 RCW.

(j) Any other line of insurance permitted under state laws or regulations.

(2) Unless denied licensure under RCW 48.17.530, persons who have met the requirements of RCW 48.17.090(3) shall be issued a title insurance agent license.

(3) All insurance producer's, title insurance agent's, and adjusters' licenses issued by the commissioner shall be valid for the time period established by the commissioner unless suspended or revoked at an earlier date.

**Comment:** RCW 48.17.500(2).

(4) Subject to the right of the commissioner to suspend, revoke, or refuse to renew any insurance producer's, title insurance agent's or adjuster's license as provided in Title 48 RCW, any such license may be renewed into another like period by filing with the commissioner by any means acceptable to the commissioner on or before the expiration date a request, by or on behalf of the licensee, for such renewal accompanied by payment of the renewal fee as specified in RCW 48.14.010.

**Comment:** RCW 48.17.500(4).

(5) If the request and fee for renewal of an insurance producer's, title insurance agent's, or adjuster's license is filed with the commissioner prior to expiration of the existing license, the licensee may continue to act under such license, unless sooner revoked or suspended, until the issuance of a renewal license or until the expiration of fifteen days after the commissioner has refused to renew the license and has mailed order of such refusal to the licensee. Any request for

**Comment:** RCW 48.17.500(4).

renewal not so filed until after date of expiration may be considered by the commissioner as an application for a new license.

(6) As to all licenses, if request for renewal of an insurance producer's, title insurance agent's, or adjuster's license or payment of the fee is not received by the commissioner prior to the expiration date as required under subsection (4) of this section, the insurer or applicant for renewal shall pay to the commissioner and the commissioner shall collect, in addition to the regular fee, a surcharge as follows: For the first thirty days or part thereof of delinquency the surcharge shall be fifty percent of the fee; for all delinquencies extending more than thirty days, the surcharge shall be one hundred percent of the fee. This subsection shall not be deemed to exempt any person from any penalty provided by law for transacting business without a valid and subsisting license or appointment, or affect the commissioner's right, at his or her discretion, to consider such delinquent application as one for a new license or appointment.

**Comment:** RCW 48.17.500(5).

(7) A licensed insurance producer who is unable to comply with license renewal procedures due to military service or some other extenuating circumstance (e.g., a long-term medical disability) may request a waiver of those procedures. The producer may also request a waiver of any examination requirement or any other fine or sanction imposed for failure to comply with renewal procedures.

(8) The license shall contain the licensee's name, address, personal identification number, and the date of issuance, the lines of authority, the expiration date and any other information the commissioner deems necessary.

(9) Licensees shall inform the commissioner by any means acceptable to the commissioner of a change of address within thirty days of the change. Failure to timely inform the commissioner of a change in legal name or address may result in a penalty under either RCW 48.17.530 or RCW 48.17.560, or both.

**NEW SECTION. Sec. 14.** A new section is added to chapter 48.17 RCW to read as follows:

(1) Unless denied licensure under RCW 48.17.530, a nonresident person shall receive a nonresident producer license for the line or lines of authority under RCW 48.17.170 which is substantially equivalent to the line or lines of authority granted to the nonresident person in the person's home state if:

**Comment:** MA § 8.

(a) The person is currently licensed as a resident and in good standing in the person's home state;

(b) The person has submitted the proper request for licensure and has paid the fees required by RCW 48.14.010;

(c) The person has submitted or transmitted to the commissioner the application for licensure that the person submitted to the person's home state, or in lieu of the same, a completed Uniform Application;

(d) The person's home state awards non-resident producer licenses to residents of this state on the same basis; and

(2) As part of the request for licensure, the person shall furnish information concerning the person's identity, including fingerprints for submission to the Washington state patrol, the federal bureau of investigation, and any governmental agency or entity authorized to receive this information for a state and national criminal history background check, personal history,

**Comment:** New.

**Comment:** RCW 48.17.090(1).

experience, business record, purposes, and other pertinent facts, as the commissioner may reasonably require.

(3) The commissioner shall waive any license application requirements for a nonresident license applicant with a valid license from the applicant's home state, except the requirements imposed by this section, if the applicant's home state awards nonresident licenses to residents of this state on the same basis.

**Comment:** MA § 16(2) & RCW 48.17.330(1).

(4) A nonresident insurance producer's satisfaction of the nonresident insurance producer's home state's continuing education requirements for licensed insurance producers shall constitute satisfaction of this state's continuing education requirements if the non-resident producer's home state recognizes the satisfaction of its continuing education requirements imposed upon producers from this state on the same basis.

**Comment:** MA § 16(3).

(5) The commissioner shall waive the requirement for providing fingerprints for submission to the Washington state patrol, the federal bureau of investigation, and any governmental agency or entity authorized to receive this information for a state and national criminal history background check, personal history, experience, business record, purposes, and other pertinent facts, if the person possesses a valid insurance producer's or surplus line broker's license from the person's home state and the person's home state requires submission of information concerning a person's identity including fingerprints for the licensure of its resident insurance producers or surplus line brokers, respectively.

**Comment:** New.

(6) The commissioner may verify the producer's licensing status through the Producer Database maintained by the National Association of Insurance Commissioners, its affiliates or subsidiaries.

(7) A nonresident producer who moves from one state to another state or a resident producer who moves from this state to another state shall file a change of address and provide certification from the new resident state within thirty days of the change of legal residence. No fee or license application is required.

(8) A person licensed as a surplus lines producer in the person's home state and complying with the requirements of subsection 1 of this section and chapter 48.15 RCW shall receive a nonresident surplus lines broker license pursuant to subsection 1 of this section.

(9) A person licensed as a limited line credit insurance or other type of limited lines producer in the person's home state and who complies with the requirements of subsections 1 and 2 of this section shall receive a nonresident limited lines producer license, under subsection 1 of this section, granting the same scope of authority as granted under the license issued by the producer's home state. For the purpose of this subsection, limited line insurance is any authority granted by the home state which restricts the authority of the license to the lines set out in RCW 48.17.170(1)(h).

(10) Each licensed nonresident insurance producer or title insurance agent shall appoint the commissioner as the insurance producer's or title insurance agent's attorney to receive service of legal process issued against the insurance producer or title insurance agent in this state upon causes of action arising within this state. Service upon the commissioner as attorney shall constitute effective legal service upon the insurance producer or title insurance agent.

**Comment:** RCW 48.17.340(1).

(a) The appointment shall be irrevocable for as long as there could be any cause of action against the insurance producer or title insurance agent arising out of the insurance producer's or title insurance agent's insurance transactions in this state.

**Comment:** RCW 48.17.340(2).

(b) Duplicate copies of such legal process against such insurance producer or title insurance agent shall be served upon the commissioner either by a person competent to serve a

**Comment:** RCW 48.17.340(3).

summons, or through registered mail. At the time of such service the plaintiff shall pay to the commissioner ten dollars, taxable as costs in the action.

(c) Upon receiving such service, the commissioner shall forthwith send one of the copies of the process, by registered mail with return receipt requested, to the defendant insurance producer or title insurance agent at the insurance producer's or title insurance agent's last address of record with the commissioner.

Comment: RCW 48.17.340(4).

(d) The commissioner shall keep a record of the day and hour of service upon the commissioner of all such legal process. No proceedings shall be had against the defendant insurance producer or title insurance agent, and such defendant shall not be required to appear, plead, or answer until the expiration of forty days after the date of service upon the commissioner.

Comment: RCW 48.17.340(5).

**NEW SECTION. Sec. 15.** A new section is added to chapter 48.17 RCW to read as follows:

(1) An individual who applies for an insurance producer license in this state who was previously licensed for the same lines of authority in another state shall not be required to complete any precicensing education or examination. This exemption is only available if the person is currently licensed in that state or if the application is received within ninety days of the cancellation of the applicant's previous license and if the prior state issues a certification that, at the time of cancellation, the applicant was in good standing in that state or the state's Producer Database records, maintained by the National Association of Insurance Commissioners, its affiliates or subsidiaries, indicate that the producer is or was licensed in good standing for the line of authority requested.

Comment: MA § 9.

(2) A person licensed as an insurance producer in another state who moves to this state shall make application within ninety days of establishing legal residence to become a resident licensee under RCW 48.17.090. No precicensing education or examination shall be required of that person to obtain any line of authority previously held in the prior state except where the commissioner determines otherwise by regulation.

**Sec. 16.** RCW 48.17.180 and 1990 1<sup>st</sup> ex.s. c 3 s 4 are each amended to read as follows:

~~((1) A firm or corporation may be licensed as an agent, adjuster, or broker if each individual empowered to exercise the authority conferred by the corporate or firm license is also licensed. Exercise or attempted exercise of the powers of the firm or corporation by an unlicensed person, with the knowledge or consent of the firm or corporation, shall constitute cause for the revocation or suspension of the license.~~

~~(2) Licenses shall be issued in a trade name only upon proof satisfactory to the commissioner that the trade name has been lawfully registered.~~

~~(3) For the purpose of this section, a firm shall include a duly licensed individual acting as a sole proprietorship having associated licensees authorized to act on the proprietor's behalf in the proprietor's business or trade name.))~~

An insurance producer or title insurance agent doing business under any name other than the producer's or title insurance agent's legal name is required to register the name in accordance with chapter 19.80 RCW and notify the commissioner prior to using the assumed name.

Comment: MA § 10.



**Sec. 17.** RCW 48.17.230 and 1988 c 248 s 10 are each amended to read as follows:

A licensed ~~((agent))~~ insurance producer appointed by an insurer as to life or disability insurances may, if with the knowledge and consent of such insurer, place any portion of a life or disability risk which has been rejected by such insurer, with other authorized insurers without being ~~((licensed))~~ appointed as to such other insurers. Any ~~((agent))~~ insurance producer so placing rejected business becomes the agent for the company issuing the insurance with respect to that business just as if it had appointed such person as its agent.

**Sec. 18.** RCW 48.17.250 and 1979 ex.s. c 269 s 8 are each amended to read as follows:

(1) ~~Every ((applicant for a broker's license or for the renewal of a broker's license existing)) insurance producer licensed under this chapter on or after the effective date of this ((code)) act who places insurance either directly or indirectly with an insurer with which the insurance producer is not appointed as an agent ((shall file with the application or request for renewal and shall thereafter)) must maintain in force while so licensed a bond in favor of the people of the state of Washington((-)) or a named insured such that the people of Washington are covered by the bond, executed by an authorized corporate surety approved by the commissioner, in the amount of ((twenty)) two thousand five hundred dollars or five percent of the premiums brokered in the previous calendar year, whichever is greater. ~~((If the applicant is a firm or corporation, the bond shall be in the amount of twenty thousand dollars plus five thousand dollars for the second and five thousand dollars for each additional individual empowered and designated in the license to exercise the powers conferred thereby.))~~ The bond may be continuous in form, and total aggregate liability on the bond may be limited to the required amount of the bond. The bond shall be contingent on the accounting by the ~~((broker))~~ insurance producer to any person requesting the ~~((broker))~~ insurance producer to obtain insurance, for moneys or premiums collected in connection therewith.~~

**Comment:** 215 ILCS 5/500-130(a).

(2) ~~((Any such bond shall remain in force until the surety is released from liability by the commissioner, or until the bond is canceled by the surety. Without prejudice to any liability accrued prior to such cancellation, the surety may cancel the bond upon thirty days advance notice in writing filed with the commissioner.))~~ Authorized insurance producers of a business entity may meet the requirements of this section with a bond in the name of the business entity, continuous in form, and in the amounts set forth in subsection (1) of this section. An individual producer remains responsible for assuring that a producer bond is in effect and is for the correct amount.

(3) The surety may cancel the bond and be released from further liability thereunder upon thirty days' written notice in advance to the principal. The cancellation does not affect any liability incurred or accrued under the bond before the termination of the thirty-day period.

(4) The producer's license may be revoked if the producer acts without a bond that is required under this section.

(5) If a party injured under the terms of the bond requests the producer to provide the name of the surety and the bond number, the producer must provide the information within three working days after receiving the request.

**Sec. 19.** RCW 48.17.270 and 1994 c 203 s 1 are each amended to read as follows:

(1) ~~((A licensed agent may be licensed as a broker and be a broker as to insurers for which the licensee is not then appointed as agent. A licensed broker may be licensed as and be an agent~~

~~as to insurers appointing such agent.~~) The sole relationship between ~~((a broker))~~ an insurance producer and an insurer as to which the ~~((licensee))~~ insurance producer is appointed as an agent shall, as to transactions arising during the existence of such agency appointment, be that of insurer and agent.

(2) Unless the ~~((agency-insurer agreement))~~ agent contract provides to the contrary, an insurance ~~((agent licensed as a broker))~~ producer may~~(, with respect to property and casualty insurance,))~~ receive the following compensation:

(a) A commission paid by the insurer;

(b) A fee paid by the insured; or

(c) A combination of commission paid by the insurer and a fee paid by the insured from which ~~((a broker))~~ an insurance producer may offset or reimburse the insured for all or part of the fee.

If the compensation received by an ~~((agent))~~ insurance producer who is ~~((also licensed as a broker and who is))~~ dealing directly with the insured includes a fee, the full amount of compensation, including an explanation of any offset or reimbursement, must be disclosed in writing, signed by the ~~((broker))~~ insurance producer and the insured, and the writing must be retained by the ~~((broker))~~ for not less than five years.

(3) For purposes of this section, "insurer" includes an insurer authorized under chapter 48.05 RCW, a health care service contractor registered under chapter 48.44 RCW, and a health maintenance organization registered under chapter 48.46 RCW

Comment: New.

**Sec. 20.** RCW 48.17.380 and 1981 c 339 s 15 are each amended to read as follows:

The commissioner shall license as an adjuster only an individual, ~~((firm,))~~ or ~~((corporation))~~ business entity which has otherwise complied with this code therefor and the individual or responsible officer of the ~~((firm or corporation))~~ business entity has furnished evidence satisfactory to the commissioner that ~~((he))~~ the individual or responsible officer of the business entity is qualified as follows:

(1) Is eighteen or more years of age.

(2) Is a bona fide resident of this state, or is a resident of a state which will permit residents of this state to act as adjusters in such other state.

(3) Is a trustworthy person.

(4) Has had experience or special education or training with reference to the handling of loss claims under insurance contracts, of sufficient duration and extent reasonably to make ~~((him))~~ the individual or responsible officer of the business entity competent to fulfill the responsibilities of an adjuster.

(5) Has successfully passed any examination as required under this chapter.

(6) If for a public adjuster's license, has filed the bond required by RCW 48.17.430.

**Sec. 21.** RCW 48.17.390 and 1981 c 339 s 16 are each amended to read as follows:

The commissioner may license an individual~~((, firm, or corporation))~~ or business entity as an independent adjuster or as a public adjuster, and separate licenses shall be required for each type of adjuster. An individual~~((, firm, or corporation))~~ or business entity may be concurrently licensed under separate licenses as an independent adjuster and as a public adjuster. The full license fee shall be paid for each such license.

**Sec. 22.** RCW 48.17.410 and 1947 c 79 s .17.41 are each amended to read as follows:

An adjuster shall have authority under ~~((his))~~ an adjuster's license only to investigate or report to ~~((his))~~ the adjuster's principal upon claims as limited under ~~((RCW 48.17.050))~~ RCW 48.17.010(1) on behalf only of the insurers if licensed as an independent adjuster, or on behalf only of insureds if licensed as a public adjuster. An adjuster licensed concurrently as both an independent and a public adjuster shall not represent both the insurer and the insured in the same transaction.

**Sec. 23.** RCW 48.17.420 and 1947 c 79 s .17.42 are each amended to read as follows:

(1) On behalf of and as authorized by an insurer for which ~~((he is licensed as agent, an agent))~~ an insurance producer or title insurance agent has been appointed as an agent, an insurance producer or title insurance agent may from time to time act as an adjuster and investigate and report upon claims without being required to be licensed as an adjuster.

(2) No license by this state shall be required of a nonresident independent adjuster, for the adjustment in this state of a single loss, or of losses arising out of a catastrophe common to all such losses.

**Sec. 24.** RCW 48.17.450 and 1990 1<sup>st</sup> ex.s. c 3 s 5 are each amended to read as follows:

(1) Every licensed ~~((agent, broker,))~~ insurance producer, title insurance agent, and adjuster, other than an ~~((agent))~~ insurance producer licensed for life or disability insurances only, shall have and maintain in this state, or, if a nonresident ~~((agent or nonresident broker))~~ insurance producer or title insurance agent, in this state or in the state of the licensee's domicile, a place of business accessible to the public. Such place of business shall be that wherein the ~~((agent or broker))~~ insurance producer or title insurance agent principally conducts transactions under that person's licenses. ~~((The address of the licensee's place of business shall appear on all of that person's licenses, and the licensee shall promptly notify the commissioner of any change thereof.))~~ A licensee maintaining more than one place of business in this state shall obtain a duplicate license or licenses for each additional such place, and shall pay the full fee therefor.

(2) Any notice, order, or written communication from the commissioner to a person licensed under this chapter which directly affects the person's license shall be sent by mail to the person's last ~~((residential address, if an individual, and to the person's last business address, if licensed as a firm or corporation, as such address is shown in the commissioner's licensing records. A licensee shall promptly notify the commissioner of any change of residential or business address.))~~ address of record with the commissioner.

**Sec. 25.** RCW 48.17.460 and 1947 c 79 s .17.46 are each amended to read as follows:

~~((1))~~ The license or licenses of each ((agent, other than licenses as to life or disability insurances only, or of each broker)) insurance producer or title insurance agent, or adjuster shall be displayed in a conspicuous place in that part of his place of business which is customarily open to the public.

~~((2))~~ The license of a solicitor shall be so displayed in the place of business of the agent or broker by whom he is employed.))

**Sec. 26.** RCW 48.17.470 and 1947 c 79 s .17.47 are each amended to read as follows:

(1) Every ~~((agent, or broker,))~~ insurance producer, title insurance agent, or adjuster shall keep at ~~((his))~~ the licensee's address as shown on ~~((his))~~ the license, a record of all transactions consummated under ~~((his))~~ the license. This record shall be in organized form and shall include:

(a) If an ~~((agent or broker,))~~ insurance producer or title insurance agent,

(i) a record of each insurance contract procured, issued, or countersigned, together with the names of the insurers and insureds, the amount of premium paid or to be paid, and a statement of the subject of the insurance;

(ii) the names of any other licensees from whom business is accepted, and of persons to whom commissions or allowances of any kind are promised or paid.

(b) If an adjuster, a record of each investigation or adjustment undertaken or consummated, and a statement of any fee, commission, or other compensation received or to be received by the adjuster on account of such investigation or adjustment.

(c) Such other and additional information as shall be customary, or as may reasonably be required by the commissioner.

(2) All such records as to any particular transaction shall be kept available and open to the inspection of the commissioner at any business time during the five years immediately after the date of the completion of such transaction.

(3) This section shall not apply as to life or disability insurances.

**Sec. 27.** RCW 48.17.475 and 1967 c 150 s 13 are each amended to read as follows:

Every insurance ~~((agent, broker,))~~ producer, title insurance agent, adjuster, or other person licensed under this chapter shall promptly reply in writing to an inquiry of the commissioner relative to the business of insurance. A timely response is one that is received by the commissioner within fifteen business days from receipt of the inquiry. Failure to make a timely response constitutes a violation of this section.

**Comment:** See WAC 284-30-650.

**Sec. 28.** RCW 48.17.480 and 2003 c 53 s 269 are each amended to read as follows:

1) An ~~((agent,))~~ insurance producer, title insurance agent, or any other representative of an insurer involved in the procuring or issuance of an insurance contract shall report to the insurer the exact amount of consideration charged as premium for such contract, and such amount shall likewise be shown in the contract and in the records of the ~~((agent,))~~ insurance producer, title insurance agent, or other representative. Each willful violation of this provision is a misdemeanor.

(2) All funds representing premiums or return premiums received by an ~~((agent, solicitor or broker,))~~ insurance producer or title insurance agent shall be so received in ~~((his or her))~~ the insurance producer's or title insurance agent's fiduciary capacity, and shall be promptly accounted for and paid to the insured, insurer, ~~((or))~~ title insurance agent, or insurance producer as entitled thereto.

(3) Any person licensed under this chapter who receives funds which belong to or should be paid to another person as a result of or in connection with an insurance transaction is deemed to have received the funds in a fiduciary capacity. The licensee shall promptly account for and pay the funds to the person entitled to the funds.

(4) Any ~~((agent, solicitor, broker))~~ insurance producer, title insurance agent, adjuster or other person licensed under this chapter who, not being lawfully entitled thereto, diverts or appropriates funds received in a fiduciary capacity or any portion thereof to his or her own use, is guilty of theft under chapter 9A.56 RCW.

**Sec. 29.** RCW 48.17.490 and 1988 c 248 s 13 are each amended to read as follows:

~~((1) No agent, general agent, solicitor, or broker shall compensate or offer to compensate in any manner any person other than an agent, general agent, solicitor, or broker, licensed in this or any other state or province, for procuring or in any manner helping to procure applications for or to place insurance in this state. This provision shall not prohibit the payment of compensation not contingent upon volume of business transacted, in the form of salaries to the regular employees of such agent, general agent, solicitor or broker, or the payment for services furnished by an unlicensed person who does not participate in the transaction of insurance in any way requiring licensing as an agent, solicitor, broker, or adjuster and who is not compensated on any basis dependent upon a sale of insurance being made.~~

~~(2) No such licensee shall be promised or allowed any compensation on account of the procuring of applications for or the placing of kinds of insurance which he himself is not then licensed to procure or place.~~

~~(3) The commissioner shall suspend or revoke the licenses of all licensees participating in any violation of this section.))~~

(1) An insurance company, insurance producer, or title insurance agent shall not pay a commission, service fee, brokerage or other valuable consideration to a person for selling, soliciting or negotiating insurance in this state if that person is required to be licensed under this chapter and is not so licensed.

Comment: MA § 13.

(2) A person shall not accept a commission, service fee, brokerage or other valuable consideration for selling, soliciting or negotiating insurance in this state if that person is required to be licensed under this act and is not so licensed.

(3) Renewal or other deferred commissions may be paid to a person for selling, soliciting or negotiating insurance in this state if the person was required to be licensed under this chapter at the time of the sale, solicitation or negotiation and was so licensed at that time.

(4) An insurer, except a title insurer, or insurance producer may pay or assign commissions, service fees, brokerages or other valuable consideration to an insurance agency or to persons who do not sell, solicit or negotiate insurance in this state, unless the payment would violate RCW 48.30.140, 48.30.150, 48.30.155, 48.30.157, or 48.30.170.

**Sec. 30.** RCW 48.17.510 and 1982 c 181 s 76 are each amended to read as follows:

~~(( (1) The commissioner may issue an agent's or broker's temporary license in the following circumstances:~~

~~(a) To the surviving spouse or next of kin or to the administrator or executor, or the employee of the administrator or executor, of a licensed agent or broker becoming deceased.~~

~~(b) To the spouse, next of kin, employee, or legal guardian of a licensed agent or broker becoming disabled because of sickness, insanity, or injury.~~

~~(e) To a surviving member of a firm or surviving officer or employee of a corporation licensed as agent or broker upon the death of an individual designated in the firm or corporation's license to exercise powers thereunder.~~

~~(2) An individual to be eligible for any such temporary license must be qualified as for a permanent license except as to experience, training, or the taking of any examination.~~

~~(3) Any fee paid to the commissioner for issuance of a temporary license as specified in RCW 48.14.010 shall be credited toward the fee required for a permanent license which is issued to replace the temporary license prior to the expiration of such temporary license. ))~~

(1) The commissioner may issue a temporary insurance producer license for a period not to exceed one hundred eighty days without requiring an examination if the commissioner deems that the temporary license is necessary for the servicing of an insurance business in the following cases:

Comment: MA § 11.

(a) To the surviving spouse or court-appointed personal representative of a licensed insurance producer who dies or becomes mentally or physically disabled to allow adequate time for the sale of the insurance business owned by the producer or for the recovery or return of the producer to the business or to provide for the training and licensing of new personnel to operate the producer's business;

(b) To a member or employee of a business entity licensed as an insurance producer, upon the death or disability of an individual designated in the business entity application or the license;

(c) To the designee of a licensed insurance producer entering active service in the armed forces of the United States of America; or

(d) In any other circumstance where the commissioner deems that the public interest will best be served by the issuance of this license.

(2) The commissioner may by order limit the authority of any temporary licensee in any way deemed necessary to protect insureds and the public. The commissioner may require the temporary licensee to have a suitable sponsor who is a licensed producer or insurer and who assumes responsibility for all acts of the temporary licensee and may impose other similar requirements designed to protect insureds and the public. The commissioner may by order revoke a temporary license if the interest of insureds or the public are endangered. A temporary license may not continue after the owner or the personal representatives disposes of the business.

**Sec. 31.** RCW 48.17.530 and 1973 1<sup>st</sup> ex.s. c 152 s 2 are each amended to read as follows:

~~((1) The commissioner may suspend, revoke, or refuse to issue or renew any license which is issued or may be issued under this chapter or any surplus line broker's license for any cause specified in any other provision of this code, or for any of the following causes:~~

~~(a) For any cause for which issuance of the license could have been refused had it then existed and been known to the commissioner.~~

~~(b) If the licensee or applicant wilfully violates or knowingly participates in the violation of any provision of this code or any proper order or regulation of the commissioner.~~

~~(c) If the licensee or applicant has obtained or attempted to obtain any such license through wilful misrepresentation or fraud, or has failed to pass any examination required under this chapter.~~

~~(d) If the licensee or applicant has misappropriated or converted to his own use or has illegally withheld moneys required to be held in a fiduciary capacity.~~



~~(e) If the licensee or applicant has, with intent to deceive, materially misrepresented the terms or effect of any insurance contract; or has engaged or is about to engage in any fraudulent transaction.~~

~~(f) If the licensee or applicant has been guilty of "twisting," as defined in RCW 48.30.180, or of rebating, as defined in chapter 48.30 RCW.~~

~~(g) If the licensee or applicant has been convicted, by final judgment, of a felony.~~

~~(h) If the licensee or applicant has shown himself to be, and is so deemed by the commissioner, incompetent, or untrustworthy, or a source of injury and loss to the public.~~

~~(i) If the licensee has dealt with, or attempted to deal with, insureds, or to exercise powers relative to insurance outside the scope of his licenses.~~

~~(2) If any natural person named under a firm or corporate license, or application therefor, commits or has committed any act or fails or has failed to perform any duty which is a ground for the commissioner to revoke, suspend or refuse to issue or renew the license or application for license, the commissioner may revoke, suspend, refuse to renew, or refuse to issue:~~

~~(a) The license, or application therefor, of the corporation or firm; or~~

~~(b) The right of the natural person to act thereunder; or~~

~~(c) Any other license held or applied for by the natural person; or~~

~~(d) He may take all such steps.~~

~~(3) Any conduct of an applicant or licensee which constitutes ground for disciplinary action under this code shall be deemed such ground notwithstanding that such conduct took place in another state.~~

~~(4) The holder of any license which has been revoked or suspended shall surrender the license certificate to the commissioner at the commissioner's request.))~~

(1) The commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license, a title insurance agent's license, or any surplus line broker's license or may levy a civil penalty in accordance with RCW 48.17.560 or any combination of actions, for any one or more of the following causes:

Comment: MA § 12.

(a) Providing incorrect, misleading, incomplete or materially untrue information in the license application;

(b) Violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state's insurance commissioner.

(c) Obtaining or attempting to obtain a license through misrepresentation or fraud;

(d) Improperly withholding, misappropriating or converting any monies or properties received in the course of doing insurance business;

(e) Intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance;

(f) Having been convicted of a felony;

(g) Having admitted or been found to have committed any insurance unfair trade practice or fraud;

(h) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

(i) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory;

(j) Forging another's name to an application for insurance or to any document related to an insurance transaction;

(k) Improperly using notes or any other reference material to complete an examination for an insurance license;

(l) Knowingly accepting insurance business from an individual who is not licensed;

(m) Failing to comply with a support order or a residential or visitation order.

(n) Obtaining a loan from an insurance client that is not a financial institution and who is not related to the insurance producer by birth, marriage, or adoption; or

**Comment:** NEB. REV. STAT. § 44-317.

(2) The license of a business entity may be suspended, revoked or refused if the commissioner finds that an individual licensee's violation was known or should have been known by one or more of the partners, officers or managers acting on behalf of the partnership or corporation and the violation was neither reported to the commissioner nor corrective action taken.

(3) In addition to or in lieu of any applicable denial, suspension or revocation of a license, a person may be subject to a civil fine according to RCW 48.17.560.

(4) The commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by this chapter and title 48 RCW against any person who is under investigation for or charged with a violation of this chapter or title 48 RCW even if the person's license or registration has been surrendered or has lapsed by operation of law.

(5) The holder of any license which has been revoked or suspended shall surrender the license certificate to the commissioner at the commissioner's request.

(6) The commissioner may probate a suspension or revocation of a license under reasonable terms determined by the commissioner. In addition, the commissioner may require a licensee who is placed on probation to:

**Comment:** TEX.OCC.CODE § 1101.656(b)(c) (real estate brokers and salespersons). *See also* TEX. OCC.CODE § 51.353(b) (Texas Department of Licensing and Regulation).

(a) Report regularly to the commissioner on matters that are the basis of the probation;

(b) Limit practice to an area prescribed by the commissioner; or

(c) Continue or renew continuing education until the licensee attains a degree of skill satisfactory to the commissioner in the area that is the basis of the probation.

(7) At any time during a probation term where the licensee has violated the probation order, the commissioner may:

**Comment:** TEX. OCC. CODE § 164.103(a) (health professionals).

(a) Rescind the probation and enforce the commissioner's original order; and

(b) Impose any disciplinary action permitted under this section in addition to or in lieu of enforcing the original order.

**Sec. 32.** RCW 48.17.565 and 1989 c 323 s 4 are each amended to read as follows:

If an investigation of any insurance education provider culminates in a finding by the commissioner or by any court of competent jurisdiction, that the insurance education provider has failed to comply with or has violated any statute or regulation pertaining to insurance education, the insurance education provider shall pay the expenses reasonably attributable and allocable to such investigation.

(1) The commissioner shall calculate such expenses and render a bill therefor by registered mail to the insurance education provider. Within thirty days after receipt of such bill, the insurance education provider shall pay the full amount to the commissioner. The commissioner shall transmit such payment to the state treasurer. The state treasurer shall credit the payment to the office of the insurance commissioner regulatory account, treating such payment as recovery of a prior expenditure.

(2) In any action brought under this section, if the insurance commissioner prevails, the court may award to the office of the insurance commissioner all costs of the action, including a reasonable attorneys' fee to be fixed by the court.

**Sec. 33.** RCW 48.17.591 and 1990 c 121 s 1 are each amended to read as follows:

(1) No insurer authorized to do business in this state may cancel or refuse to renew any policy because that insurer's contract with the independent ~~((agent))~~ insurance producer through whom such policy is written has been terminated by the insurer, the ~~((agent))~~ insurance producer or by mutual agreement.

(2) If an insurer intends to terminate a written agency contract with an independent ~~((agent))~~ insurance producer, the insurer shall give the ~~((agent))~~ insurance producer not less than one hundred twenty days' advance written notice of the intent, unless the reason for termination is ~~((based upon the agent's, abandonment of the agency, the agent's, gross and willful misconduct, the agent's, loss of license by order of the insurance commissioner, the agent's, sale of, or material change of ownership in, the agency, the agent's, fraud or material misrepresentation relative to the business of insurance, or the agent's, default in payments due the insurer under the terms of the agreement))~~ one of the reasons set forth in RCW 48.17.530. During the notice period the insurer shall not amend the existing contract without the consent of the ~~((agent))~~ insurance producer.

(a) Unless the agency contract provides otherwise, during the one hundred twenty day notice period the independent ~~((agent))~~ insurance producer shall not write or bind any new business on behalf of the terminating insurer without specific written approval. However, routine adjustments by insureds are permitted. The terminating insurer shall permit renewal of all its policies in the ~~((agent's))~~ insurance producer's book of business for a period of one year following the effective date of the termination, to the extent the policies meet the insurer's underwriting standards and the insurer has no other reason for nonrenewal. The rate of commission for any policies renewed under this provision shall be the same as the ~~((agent))~~ insurance producer would have received had the agency agreement not been terminated.

(b) An independent ~~((agent))~~ insurance producer whose agency contract has been terminated shall have a reasonable opportunity to transfer affected policies to other insurers with which the ~~((agent))~~ insurance producer has an appointment: PROVIDED, HOWEVER, That prior to the conclusion of the one-year renewal period following the effective date of the termination, an insurer without a reason for not renewing an insured's policy and which has not received notification of the placement of such policy with another insurer shall provide its insured with appropriate written notice of an offer to continue the policy. In such cases, except where the terminated ~~((agent))~~ insurance producer has placed the policy with another agent of the insurer, the insurer shall, where practical, assign the policy to an appointed ~~((agent))~~ insurance producer located reasonably near the insured willing to accept the assignment.

(c) An insurer is not required to continue the appointment of a terminated independent ~~((agent))~~ insurance producer during or after the one year renewal period. However, an ~~((agent))~~ insurance producer whose contract has been terminated by the insurer remains an agent of the terminating insurer as to actions associated with the policies subject to this section just as if ~~((he or she))~~ the insurance producer were appointed by the insurer as its agent.

(3) In the absence of receipt of notice from the insured that coverage will not be continued with the existing insurer, an insurer whose agency contract has been terminated by an independent ~~((agent))~~ insurance producer, or by the mutual agreement of the insurer and the ~~((agent))~~ insurance

producer, that elects to renew or lacks a reason not to renew, shall give the renewal notice required by chapter 48.18 RCW to affected insureds, and continue renewed coverage in accordance with the methods specified in subsection (2)(b) of this section. ~~((Agents))~~ Insurance producers affected by this subsection may provide the notice to an insurer that an insured does not intend to continue existing coverage with the insurer, after receiving written authority to do so from an insured.

(4) For purposes of this section an "independent ~~((agent))~~ insurance producer" is a licensed insurance ~~((agent))~~ insurance producer representing an insurer on an independent contractor basis and not as an employee. This term includes only those ~~((agents))~~ insurance producers not obligated by contract to place insurance accounts with a particular insurer or group of insurers.

(5) This section does not apply to:

(a) ~~((agents))~~ Insurance producers or policies of an insurer or group of insurers if the business is not owned by the ~~((agent))~~ insurance producer and the termination of any such contractual agreement does not result in the cancellation or nonrenewal of any policies of insurance;

(b) Managing general agents, to the extent that they are acting in that capacity;

(c) ~~((4))~~ Life, disability, surety, ocean marine and foreign trade, and title insurance policies;

(d) ~~((s))~~ Situations where the termination of the agency contract results from the insolvency or liquidation of the terminating insurer.

(6) No insurer may terminate its agency contract with an appointed ~~((agent))~~ insurance producer unless it complies with this section.

(7) Nothing contained in this section excuses an insurer from giving cancellation and renewal notices that may be required by chapter 48.18 RCW.

NEW SECTION. Sec. 34. A new section is added to chapter 48.17 RCW to read as follows:

(1) An insurer or authorized representative of the insurer that terminates the appointment, employment, contract or other insurance business relationship with an insurance producer or title insurance agent shall notify the commissioner within thirty days following the effective date of the termination, using a format prescribed by the commissioner, if the reason for termination is one of the reasons set forth in RCW 48.17.530 or the insurer has knowledge the insurance producer or title insurance agent was found by a court, government body, or self-regulatory organization authorized by law to have engaged in any of the activities in RCW 48.17.530. Upon the written request of the commissioner, the insurer shall provide additional information, documents, records or other data pertaining to the termination or activity of the insurance producer or title insurance agent.

Comment: MA § 15.

(2) An insurer or authorized representative of the insurer that terminates the appointment, employment, or contract with an insurance producer or title insurance agent for any reason not set forth in RCW 48.17.530, shall notify the commissioner within thirty days following the effective date of the termination, using a format prescribed by the commissioner. Upon written request of the commissioner, the insurer shall provide additional information, documents, records or other data pertaining to the termination.

(3) The insurer or the authorized representative of the insurer shall promptly notify the commissioner in a format acceptable to the commissioner if, upon further review or investigation, the insurer discovers additional information that would have been reportable to the commissioner in accordance with subsection 1 of this section had the insurer then known of its existence.

(4) A copy of the notification to the commissioner shall be provided to the insurance producer or title insurance agent.

(a) Within fifteen days after making the notification required by subsections 1, 2 and 3 of this section, the insurer shall mail a copy of the notification to the insurance producer or title insurance agent at the insurance producer's or title insurance agent's last known address. If the insurance producer or title insurance agent is terminated for cause for any of the reasons listed in RCW 48.17.530, the insurer shall provide a copy of the notification to the insurance producer or title insurance agent at the insurance producer's or title insurance agent's last known address by certified mail, return receipt requested, postage prepaid or by overnight delivery using a nationally recognized carrier.

(b) Within thirty days after the insurance producer or title insurance agent has received the original or additional notification, the insurance producer or title insurance agent may file written comments concerning the substance of the notification with the commissioner. The insurance producer or title insurance agent shall, by the same means, simultaneously send a copy of the comments to the reporting insurer, and the comments shall become a part of the commissioner's file and accompany every copy of a report distributed or disclosed for any reason about the insurance producer or title insurance agent as permitted under subsection 6 of this section.

(5) Immunities shall apply as follows:

(a) In the absence of actual notice, an insurer, the authorized representative of the insurer, an insurance producer, title insurance agent, the commissioner, or an organization of which the commissioner is a member and that compiles the information and makes it available to other insurance commissioners or regulatory or law enforcement agencies shall not be subject to civil liability, and a civil cause of action of any nature shall not arise against these entities or their respective agents or employees, as a result of any statement or information required by or provided pursuant to this section or any information relating to any statement that may be requested in writing by the commissioner, from an insurer, insurance producer, or title insurance agent; or a statement by a terminating insurer, insurance producer, or title insurance agent to an insurer, insurance producer, or title insurance agent limited solely and exclusively to whether a termination for cause under subsection 1 of this section was reported to the commissioner, provided that the propriety of any termination for cause under subsection 1 of this section is certified in writing by an officer or authorized representative of the insurer, insurance producer, or title insurance agent terminating the relationship.

(b) In any action brought against a person that may have immunity under subsection (5)(a) of this section for making any statement required by this section or providing any information relating to any statement that may be requested by the commissioner, the party bringing the action shall plead specifically in any allegation that subsection (5)(a) of this section does not apply because the person making the statement or providing the information did so with actual malice.

(c) Subsection (5)(a) or (b) of this section shall not abrogate or modify any existing statutory or common law privileges or immunities.

(6) Information provided under this section is confidential.

(a) Any documents, materials or other information in the control or possession of the commissioner that is furnished by an insurer, insurance producer, title insurance agent or an employee or agent thereof acting on behalf of the insurer, insurance producer, or title insurance agent, or obtained by the commissioner in an investigation pursuant to this section shall be confidential by law and privileged, shall not be subject to disclosure under chapter 42.56 RCW, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in

any private civil action. However, the commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's duties.

(b) Neither the commissioner nor any person who received documents, materials or other information while acting under the authority of the commissioner shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection (6)(a) of this section.

(c) In order to assist in the performance of the commissioner's duties under this act and in accordance with RCW 48.02.065, the commissioner:

(i) May share documents, materials or other information, including the confidential and privileged documents, materials or information subject to subsection (6)(a) of this section, with other state, federal, and international regulatory agencies, with the National Association of Insurance Commissioners, its affiliates or subsidiaries, and with state, federal, and international law enforcement authorities, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material or other information;

(ii) May receive documents, materials or information, including otherwise confidential and privileged documents, materials or information, from the National Association of Insurance Commissioners, its affiliates or subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information; and

(iii) May enter into agreements governing sharing and use of information consistent with this subsection.

(d) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (5)(c) of this section.

(e) Nothing in this Act shall prohibit the commissioner from releasing final, adjudicated actions including for cause terminations that are open to public inspection pursuant to chapter 42.56 RCW to a database or other clearinghouse service maintained by the National Association of Insurance Commissioners, its affiliates or subsidiaries of the National Association of Insurance Commissioners.

(7) An insurer, the authorized representative of the insurer, insurance producer, or title insurance agent that fails to report as required under the provisions of this section or that is found to have reported with actual malice by a court of competent jurisdiction may, after notice and hearing, have its license or certificate of authority suspended or revoked and may be fined in accordance with title 48 RCW.

**Sec. 35.** RCW 48.17.600 and 1988 c 248 s 15 are each amended to read as follows:

(1) All funds representing premiums or return premiums received by an (~~agent, solicitor or broker~~) insurance producer or title insurance agent in (~~his or her~~) the insurance producer's or title insurance agent's fiduciary capacity shall be accounted for and maintained in a separate account from all other business and personal funds.



(2) An ~~((agent, solicitor or broker))~~ insurance producer or title insurance agent shall not commingle or otherwise combine premiums with any other moneys, except as provided in subsection (3) of this section.

(3) An ~~((agent, solicitor or broker))~~ insurance producer or title insurance agent may commingle with premium funds any additional funds as ~~((he or she))~~ the insurance producer or title insurance agent may deem prudent for the purpose of advancing premiums, establishing reserves for the paying of return premiums, or for any contingencies as may arise in ~~((his or her))~~ the insurance producer's or title insurance agent's business of receiving and transmitting premium or return premium funds.

(4) Each willful violation of this section shall constitute a misdemeanor.

~~((5) This section shall not apply to agents for title insurance companies or insurance brokers whose average daily balance for premiums received on behalf of insureds in the state of Washington equals or exceeds one million dollars.))~~

NEW SECTION. Sec. 36. A new section is added to chapter 48.17 RCW to read as follows:

(1) An insurance producer, title insurance agent, or adjuster shall report to the commissioner any administrative action taken against the insurance producer, title insurance agent, or adjuster in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report shall include a copy of the order, consent to order or other relevant legal documents.

Comment: MA § 17.

(2) Within thirty days of the initial pretrial hearing date, an insurance producer, title insurance agent, or adjuster shall report to the commissioner any criminal prosecution of the insurance producer, title insurance agent, or adjuster taken in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing and any other relevant legal documents.

NEW SECTION. Sec. 37. A new section is added to chapter 48.17 RCW to read as follows:

The insurance commissioner may adopt rules to implement and administer this chapter.

**Sec. 38.** RCW 42.56.400 and 2006 c 284 s 17 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of all violators regulated by the insurance commissioner under chapter 48.102 RCW;

- (4) Information provided under RCW 48.30A.045 through 48.30A.060;
- (5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;
- (6) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;
- (7) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;
- (8) Information provided to the insurance commissioner under RCW 48.110.040(3);
- (9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;
- (10) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070;
- (11) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:
  - (a) "Claimant" has the same meaning as in RCW 48.140.010(2).
  - (b) "Health care facility" has the same meaning as in RCW 48.140.010(6).
  - (c) "Health care provider" has the same meaning as in RCW 48.140.010(7).
  - (d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).
  - (e) "Self-insurer" has the same meaning as in RCW 48.140.010(11); and
- (12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060.
- (13) Documents, materials, or information obtained by the insurance commissioner under section 34 of this act.

**NEW SECTION. Sec. 39.** If any provisions of this act or its application to any person or circumstances is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 40.** This act takes effect [insert date].

**NEW SECTION. Sec. 41.** Transition section placeholder

**NEW SECTION. Sec. 42.** The following acts or parts of acts are each repealed:

- (1) RCW 48.17.020 ("Broker" defined) and 1947 c 79 s .17.02;
- (2) RCW 48.17.030 ("Solicitor" defined) and 1947 c 79 s .17.03;
- (3) RCW 48.17.040 (Service representatives) and 1947 c 79 s .17.04;

- (4) RCW 48.17.050 ("Adjuster" defined) and 1947 c 79 s .17.05;
- (5) RCW 48.17.055 ("Insurance education provider" defined) and 1989 c 323 s 2;
- (6) RCW 48.17.070 (General qualifications for license) and 1947 c 79 s .17.07;
- (7) RCW 48.17.120 (Scope of examination) and 1989 c 323 s 6, 1981 c 111 s 2, 1967 c 150 s 17, 1955 c 303 s 11 & 1947 c 79 s .17.12;
- (8) RCW 48.17.130 (Examinations – Form, time of, fee) and 1981 c 111 s 3, 1967 c 150 s 18 & 1947 c 79 s .17.13;
- (9) RCW 48.17.190 (Limited licenses) and 1995 c 214 s 2, 1979 c 138 s 1, 1967 c 150 s 21 & 1947 c 79 s .17.19;
- (10) RCW 48.17.200 (One license required by agent) and 1979 ex.s. c 269 s 5, 1955 c 303 s 14 & 1947 c 79 s .17.20;
- (11) RCW 48.17.210 (Minimum license combinations) and 1947 c 79 s .17.21;
- (12) RCW 48.17.240 (Scope of broker's license) and 1967 c 150 s 22 & 1947 c 79 s .17.24;
- (13) RCW 48.17.260 (Broker's authority – Commissions) and 1949 c 190 s 24 & 1947 c 79 s .17.26;
- (14) RCW 48.17.280 (Solicitor's qualifications) and 1947 c 79 s .17.28;
- (15) RCW 48.17.290 (Solicitor's license – Application) and 1947 c 79 s .17.29;
- (16) RCW 48.17.300 (Solicitor's license fee – Custody – Cancellation) and 1947 c 79 s .17.30;
- (17) RCW 48.17.310 (Limitations upon solicitors) and 1947 c 79 s .17.31;
- (18) RCW 48.17.320 (Responsibility of employing agent or broker) and 1947 c 79 s .17.32;
- (19) RCW 48.17.330 (Nonresident agents and brokers – Reciprocity) 2001 c 56 s 2, 1973 1<sup>st</sup> ex.s. c 107 s 1, 1955 c 303 s 28, & 1947 c 79 s .17.33;
- (20) RCW 48.17.340 (Service of process against nonresident agent or broker) abd 1981 c 339 s 14 & 1947 c 79 s .17.34;
- (21) RCW 48.17.500 (Expiration and renewal of license) and 1979 ex.s. c 269 s 6, 1977 ex.s. c 182 s 6, 1965 ex.s. c 70 s 20, 1957 c 193 s 9, 1953 c 197 s 7 & 1947 c 79 s .17.50;
- (22) RCW 48.17.520 (Temporary licensees – Duration – Limitations) and 1985 c 264 s 8, 1953 c 197 s 9 & 1947 c 79 s .17.52;
- (23) RCW 48.05.310 (General Agents, managers – Appointment – Powers – Licensing) and 1995 c 338 s1, 1982 c 181 s 17 & 1947 c 79 s .05.31.